

RCE JPW



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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<i>Feb. 21, 2006</i> Date	<i>Paula S. Lindhart</i> Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
James C. Liao	§	Group Art Unit: 1652
	§	
Serial No.: 10/289,788	§	
	§	Examiner: D. Ramirez
	§	
Filed: November 7, 2002	§	
	§	Atty. Dkt. No.: 12740.0278.DVUS04
	§	
For: Microorganism and Methods for	§	
Overproduction of DAHP by Cloned Pps	§	Confirmation No: 9511
Gene	§	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO ADVISORY ACTION DATED JANUARY 31, 2006

Sir:

In response to the Advisory Action dated January 31, 2006, Applicant herewith files a Request for Continued Examination (RCE). An original copy as well as a duplicate copy of the RCE transmittal form (PTO/SB/30) is submitted herewith.

In the Advisory Action, the Examiner has indicated that the period for reply expires 3 months from the mailing date of the final rejection by checking box (a) under box 1. Applicant respectfully submits that box (b) should have been checked, because Applicant's first reply was

filed on December 20, 2005, which is within two months of the final rejection dated October 20, 2005, and the Advisory Action was not mailed until after the end of the three-month shortened statutory period. In this event, the shortened statutory period expires on the date the Advisory Action is mailed and any extension fee will be calculated from the mailing date of the Advisory Action. *See* MPEP 706.07(f). Accordingly, the one-month extension period for the instant case ends on February 28, 2006, which is one month from the mailing date of the Advisory Action (i.e. January 31, 2006). A separate petition for one-month extension of time is filed herewith.

This paper is being filed timely and no fee is believed to be due. However, should any fees be required for any reason in connection with this paper, the Commissioner is authorized to deduct said fees from Howrey Deposit Account No. 01-2508/12740.0278.DVUS04.

Respectfully submitted,



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Date: February 21, 2006